

House File 2153 - Introduced

HOUSE FILE 2153
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 577)

A BILL FOR

1 An Act relating to county jurisdiction over portions of certain
2 cemeteries.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.325, subsection 3, Code 2022, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* A cemetery that does not otherwise
4 qualify to be under the jurisdiction and control of a county
5 board of supervisors or county cemetery commission may
6 designate a portion of the cemetery as a pioneer section if at
7 least fifty percent of the burials in that portion occurred
8 at least one hundred years prior to the designation. Upon
9 approval by the cemetery, the county board of supervisors, and
10 the county cemetery commission, the county cemetery commission
11 may use its resources to restore and maintain the pioneer
12 section of the cemetery as though that section was a pioneer
13 cemetery. However, a cemetery with a designated pioneer
14 section and the pioneer section itself shall not be considered
15 a pioneer cemetery.

16 Sec. 2. NEW SECTION. **523I.403 Pioneer section — management**
17 **by county cemetery commission.**

18 A cemetery may designate a portion of the cemetery as a
19 pioneer section to be restored and maintained by the county
20 cemetery commission as provided in section 331.325, subsection
21 3, paragraph "d".

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill relates to the authority of a county cemetery
26 commission. Under current law, a pioneer cemetery is a
27 cemetery where there have been 12 or fewer burials in the
28 preceding 50 years. A county board of supervisors or a county
29 cemetery commission may assume jurisdiction and control of a
30 pioneer cemetery, a cemetery that previously qualified as a
31 pioneer cemetery, or a cemetery that had between 13 and 24
32 burials in the previous 50 years.

33 The bill authorizes a cemetery that does not otherwise
34 qualify to be under the jurisdiction and control of a county
35 board of supervisors or county cemetery commission to designate

1 a portion of the cemetery as a pioneer section if at least 50
2 percent of the burials in that portion occurred at least 100
3 years prior to the designation. Upon approval by the cemetery,
4 the county board of supervisors, and the county cemetery
5 commission, the bill authorizes the county cemetery commission
6 to use its resources to restore and maintain the pioneer
7 section of the cemetery as though the section was a pioneer
8 cemetery. However, a cemetery with a designated pioneer
9 section and the pioneer section itself shall not be considered
10 a pioneer cemetery.